

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN ALEXANDER COLBERT,

Defendant.

**4:19CR3041**

**ORDER**

Defendant has orally moved to continue the pretrial motion deadline because Defendant and defense counsel need additional time to fully review the discovery received before deciding if pretrial motions should be filed. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

**IT IS ORDERED:**

- 1) Defendant's motion to continue is granted.
- 2) Pretrial motions and briefs shall be filed on or before September 30, 2019.
- 3) Trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, 100 Centennial Mall North, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on October 28, 2019, or as soon thereafter as the case may be called, for a duration of three (3) trial days. Jury selection will be held at commencement of trial.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between August 29, 2019 and September 30, 2019 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's

local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

September 3, 2019.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge